

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1150

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AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-20-4-2, AS AMENDED BY P.L.13-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Section 1 of this chapter relating to vehicle weight, section 3 of this chapter assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and section 3 of this chapter prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports:

- (1) farm commodities from the place of production to the first point of delivery where the commodities are weighed ~~and title to the commodities is transferred~~ if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%); or
- (2) logs, wood chips, bark, and sawdust if the weight of the vehicle with load does not exceed either:

(A) the gross weight limit; or

(B) the axle weight limit;

by more than ten percent (10%).

**(b) A person who transports vehicles or loads and exceeds an exemption in subsection (a) is subject to permit requirements under this article.**

~~(b)~~ (c) The exemptions in subsection (a) do not apply to the

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following:

(1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-3.

(2) A vehicle operated on any part of an interstate highway.

SECTION 2. IC 9-20-5-8, AS AMENDED BY P.L.257-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The Indiana department of transportation may not issue a permit under this chapter for the operation of a vehicle if any of the following conditions apply:

(1) The owner or operator of the vehicle has not complied with IC 8-2.1-24.

(2) The owner or operator of the vehicle has not provided the Indiana department of transportation with the owner's or operator's Social Security number or federal identification number.

(3) The owner or operator of the vehicle has not registered the vehicle with the bureau, if the vehicle is required to be registered under IC 9-18 (before its expiration) or IC 9-18.1.

**(4) The owner or operator of the vehicle has not provided the department of state revenue full payment for a permit prior to transporting vehicles or loads subject to this article.**

SECTION 3. IC 9-20-18-7, AS AMENDED BY P.L.54-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A court shall determine the extent of liability of the driver, carrier, shipper, or other party shown to be liable.

**(b) The department of state revenue shall determine the extent of the civil penalties assessed under section 14.5 of this chapter.**

~~(b)~~ (c) It is a **criminal or civil** defense if a party can show that the party:

(1) could not reasonably have known the actual weight of the load involved;

(2) had no access to or control of the loading of an overweighted load;

(3) reasonably relied upon the representation of another party regarding the validity, scope, or allowable weight of a permit issued to the other party under this article; or

(4) received written confirmation from a carrier that the carrier:

(A) had a valid permit for the load; or

(B) was not required to have a permit for the load.

~~(c)~~ (d) If a person who is an owner, a driver, a carrier or a shipper specifically or directly orders or assigns a particular shipment to be loaded:



- (1) the person shall be considered to have had control of the loading within the meaning of this section; and
- (2) a showing of knowledge of the overweighted load affixes liability to the person.

(d) (e) The person who has loaded a shipment has control of the loading within the meaning of this section and a showing of knowledge of the overweighted load affixes liability to the person if the person is self-employed. If the person loading a shipment is not self-employed, then liability affixes to the person's employer jointly and severally with the driver of an overweight vehicle.

(e) (f) If a court determines that the owner of a vehicle or combination of vehicles involved in a case is jointly or severally liable, the owner shall be given ninety (90) days to pay the liability assessed by the court. During the ninety (90) days the court may continue the impounding of the equipment until all fines and costs are paid. If the fines and costs are not paid within the ninety (90) days after the court determination, the court may order the property sold to pay the fines and costs.

(f) (g) The court shall determine the liabilities, rights, and remedies of all of the parties involved.

SECTION 4. IC 9-20-18-14.5, AS AMENDED BY P.L.218-2017, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section:

- (1) is imposed on the ~~person whose United States Department of Transportation number is registered on the vehicle~~ **carrier** transporting the **vehicle or** load;
- (2) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1;
- (3) is in addition to any **fees or** fines imposed by a court; and
- (4) is assessed **and determined** by the department of state revenue in accordance with the procedures in IC 6-8.1-5-1.

(b) A ~~person who obtains carrier transporting vehicles or loads under a permit issued under this article and violates that is violated with respect to this article is subject~~ **subjects the carrier** to a civil penalty of not more than five hundred dollars (\$500) for the first violation and not more than one thousand dollars (\$1,000) for each subsequent violation.

(c) A ~~person who~~ **carrier that** transports vehicles or loads subject to this article and fails to obtain a permit required under this article is



subject to a civil penalty of not more than five thousand dollars (\$5,000) for each violation **described in an Indiana state police vehicle examination report.**

**(d) A carrier that transports vehicles or loads subject to this article in excess of the legal weight or dimensional limits and for which no permit is available to allow for such excess weight or dimension is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each issued Indiana state police vehicle examination report.**

**(e) The department of state revenue may not assess a penalty under this section after more than one (1) year has passed from the date the department is notified of a violation described under subsection (b), (c), or (d).**

~~(d)~~ **(f) A person carrier** against whom a civil penalty is imposed under this section may protest the **civil** penalty and request an administrative hearing. If a ~~hearing is requested~~, **carrier protests a civil penalty**, the department of state revenue shall ~~hold an administrative hearing at which the person has~~ **allow the carrier** an opportunity to present information as to why the civil penalty should not be assessed **or reduced pursuant to a defense provided under section 7 of this chapter.**

~~(e)~~ **(g)** The department of state revenue's notice of proposed assessment under IC 6-8.1-5-1 is presumptively valid.

SECTION 5. IC 9-22-1-4, AS AMENDED BY P.L.157-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection ~~(e)~~, **(d)**, the owner of an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

**(b) Except as provided in subsection (c),** the costs for storage of an abandoned vehicle may not exceed two thousand dollars (\$2,000).

**(c) The costs for storage of an abandoned vehicle with a length of at least thirty (30) feet may not exceed two thousand five hundred dollars (\$2,500).**

~~(e)~~ **(d)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

~~(d)~~ **(e)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any



remaining proceeds from the sale of the vehicle shall be returned as described in this chapter or IC 9-22-6, whichever is applicable.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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